# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the Application of:

Docket No.:

Kenneth H. Grabstein, Dean K. Pettit and

Group Art Unit:

2831-E

Raymond J. Paxton

1645

Serial No: 09/578,669

Examiner:

Navarro, A. M.

Filed:

May 25, 2000

For:

ANTAGONISTS OF INTERLEUKIN-15

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# PETITION TO REVIEW RESTRICTION REQUIREMENT UNDER 37 C.F.R. §1.144

Sir:

Applicants hereby petition the Commissioner to review the restriction requirement as made FINAL by the Examiner in the present application. Applicants submit that there have been (1) a proper request for reconsideration of the restriction requirement and (2) a repeated action by the examiner, which are evidenced in applicants' Paper filed February 24, 2003, and in the Office actions mailed November 19, 2002, and May 20, 2003, respectively.

#### Statement of facts:

The examiner maintains the restriction requirement of 30 Groups in total. In particular to this petition is applicants' petition to have the restriction requirement between Group I (IL-15) and Group II (IL-15 mutein) be withdrawn. Applicants have submitted to the examiner that:

- The basis for the restriction requirement between Groups I and II is not proper in view of In re Harnisch; and
- Claim 26, which is drawn to an antagonist comprising IL-15 or mutein thereof with other limitations as claimed, is a linking claim, to which the examiner disagrees.

## Points to be reviewed:

- Whether Claim 26 is a linking claim and thus should be examined in accordance with MPEP § 809, in particular § 809.04.
- Whether the examiner's restriction requirement of Groups I and II is proper in view of *In re Harnisch*.

## Action requested:

- Withdraw the restriction requirement between Groups I and II.
- Confirm that Claim 26 is a linking claim
- Examine Claim 26 in accordance to MPEP § 809.04, in the event that the restriction between Groups I and II is not being withdrawn.

If there is any fee required for this petition, please charge Deposit Account No. 09-0089.

Applicants request favorable action on this petition.

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Respectfully submitted,

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